

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

**TRACY WILSON and wife,
KIM WILSON,**

Plaintiffs,

Case No.: _____

vs.

**STATE FARM FIRE & CASUALTY
COMPANY,**

Defendant.

**Removed from the Chancery Court of
Campbell County, Tennessee
Case No.: 09-038**

**DEFENDANT STATE FARM FIRE & CASUALTY COMPANY'S
NOTICE OF REMOVAL**

Defendant State Farm Fire & Casualty Company ("State Farm") hereby files this Notice of Removal of this action from the Chancery Court for Campbell County, Tennessee, to this Court pursuant to 28 U.S.C. §§1332, 1441 and 1446. In support of this Notice of Removal, defendant State Farm would show the Court the following:

1. Plaintiffs Tracy and Kim Wilson filed a Complaint against State Farm in the Chancery Court for Campbell County, Tennessee, at Jacksboro on April 8, 2009 (Case No. 09-038). The Summons and Complaint were served on defendant State Farm on April 27, 2009.
2. True and correct copies of all process, pleadings and orders issued to defendant State Farm in the removed action are attached hereto as Exhibit "A."
3. Plaintiffs are citizens of the State of Tennessee.
4. Defendant State Farm is a mutual insurance company organized under the laws of the State of Illinois with its principal place of business in Bloomington, Illinois.

5. As recited in the ad damnum of the Complaint, plaintiffs seek compensatory damages in the amount of \$500,000.00.

6. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. §1332, as complete diversity of citizenship exists between the parties and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

7. The time for filing this petition for removal under the provisions of 28 U.S.C. §§1332, 1441 and 1446 has not expired as this Notice of Removal has been filed with the Court within thirty (30) days of service of the state court action upon State Farm.

8. A written notice of the filing of this Notice of Removal has been served on counsel for the plaintiffs as required by 28 U.S.C. §1446(d).

9. A true and exact copy of both this Notice of Removal and Notice to State of Removal of Claims to the United States District Court have been mailed to the Campbell County Chancery Court Clerk and Master's Office for filing in accordance with the provisions of 28 U.S.C. §1446(d). A true and exact copy of the Notice to State of Removal of Claims to the United States District Court is attached hereto as Exhibit "B."

10. In filing this Notice of Removal, defendant State Farm specifically preserves all available affirmative defenses, including the defenses available to it pursuant to Rule 12(b) of the Federal Rules of Civil Procedure.

WHEREFORE, defendant State Farm respectfully requests removal of this action from the Chancery Court of Campbell County, Tennessee at Jacksboro to the United States District Court, Eastern District of Tennessee at Knoxville.

**BAKER, O'KANE,
ATKINS & THOMPSON**



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**Attorney for State Farm Fire
& Casualty Company**

CERTIFICATE OF SERVICE

I, Michael K. Atkins, hereby certify that a true and exact copy of the foregoing document has
been served via U.S. Mail on April 29, 2009:

**John D. Agee, Esq.
Curtis W. Isabell, Esq.
Ridenour & Ridenour
108 South Main Street
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Clinton, TN 37717-0530**

**William F. Archer, Clerk & Master
Campbell County Chancery Court
Campbell County Courthouse
570 Main Street, Suite 110
P.O. Box 182
Jacksboro, TN 37757**



MICHAEL K. ATKINS